

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	Case No. 1:01-CR-104
vs.)	
)	
PETE E. MASSENGALE)	JUDGE COLLIER

MEMORANDUM AND ORDER

The defendant appeared for a hearing before the undersigned on October 14, 2009, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for Warrant for Offender Under Supervision of U.S. Probation Officer Kevin Matherly and the Warrant for Arrest issued by Chief U.S. District Judge Curtis L. Collier. Those present for the hearing included:

- (1) AUSA Terra Bay for the USA.
- (2) Defendant PETE E. MASSENGALE.
- (3) Attorney Rita LaLumia for defendant.
- (4) Deputy Clerk Stefanie Capetz.

After being sworn in due form of law the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

It was determined the defendant wished to be represented by an attorney and he qualified for the appointment of an attorney to represent him at government expense. Attorney Robert Philyaw was appointed to represent the defendant. It was determined the defendant had been provided with a copy of the Petition for Warrant for Offender Under Supervision and the Warrant for Arrest and had the opportunity of reviewing those documents with his attorney. It was also determined the defendant was capable of being able to read and understand the copy of the aforesaid documents he had been provided.

Defendant waived his right to a preliminary hearing and detention hearing.

AUSA Bay moved defendant be detained pending a hearing to determine whether his term of supervision should be revoked.

Findings

- (1) Based upon U.S. Probation Officer Kevin Matherly's petition and defendant's waiver of preliminary hearing and detention hearing, the undersigned finds there is

probable cause to believe defendant has committed violations of his conditions of supervised release as alleged in the petition.

Conclusions

It is ORDERED:

(1) The defendant shall appear in a revocation hearing before Chief U.S. District Judge Curtis L. Collier.

(2) The motion of AUSA Bay that defendant be DETAINED WITHOUT BAIL pending his revocation hearing before Judge Collier is GRANTED.

(3) The U.S. Marshal shall transport defendant to a revocation hearing before Judge Collier on **Thursday, October 22, 2009, at 9:00 a.m.**

ENTER.

Dated: October 19, 2009

s/William B. Mitchell Carter

UNITED STATES MAGISTRATE JUDGE